

**GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT**

Establishment - APGLI Department – Smt.CSV.Karuna Sree, Junior Accountant, O/o Directorate of Insurance - Sanction of Compulsory Wait for the period from 1-6-2005 to 28-07-2008 – Orders – Issued.

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**FINANCE (ADMN-II) DEPARTMENT**

**G.O.Rt.No. 645**

**Dated:18.02.2010  
Read the following**

1. Govt.Memo.No.1190/313/A2/Admn-II/2001, dt: 05.09.2002.
2. Hon'ble APAT common judgment dated: 27.04.2005 in OA.No.9144/02.
3. Govt.Memo.No.32379/364/A2/Admn-II/2003, dt: 27.05.2005 and 07.06.2005.
4. APGLI Proceedings No.119, dt: 30.05.2005.
5. D.O.Lr.No.32379/364/A2/Admn-II/2003, dt: 22.11.2005 and 23.12.2005
6. D.O.Lr.No.32379/364/A2/Admn-II/2003, dt: 24.2.2006 and 10.3.2006.
7. O.A.No.3157/07 filed by Smt.CSV.Karuna Sree.
8. Hon'ble APAT interim orders dated: 13.06.2007 in O.A.No.3157/07.
9. Hon'ble APAT final orders dated: 25.10.2007 in O.A.No.3157/07.
10. Govt.Memo.No.1108/114/A2/Admn-II/2007, dt: 28.07.2008.
11. APGLI Proceedings No.397, dt: 29.07.2008.
12. Application dt: 10.11.2008 of Smt.CSV.Karuna Sree, Junior Accountant Directorate.
13. From the Directorate of Insurance Lr.No.94/Admn/A3/2008-09, dt: 22.11.2008.

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**ORDER:**

Certain bogus/irregular appointments were made on transfer from other departments by the then Director of Insurance in the year 1998-1999. It came to light through the print media in 2002. Therefore, Government have issued instructions to the then Director Insurance to cancel all the bogus/irregular appointments and send a compliance report to the Government immediately vide Memo. No.1190/313/A2/Admn-II/2001, dated: 5.9.2002. All the employees irregularly transferred and appointed in A.P.G.L.I. Department have approached the Hon'ble A.P.A.T. against the above Memo. dated:05.9.2002. The Hon'ble APAT in their interim directions dated 7.10.2002 have directed the respondents to continue the applicants in the present stations till further orders. The Hon'ble APAT in their common final direction dated 27.4.2005 directed as follows:-

**“In the opinion of this Tribunal, when the Government has detected the irregularity, it has taken a corrective step in accordance with the rules. Under such circumstances, the question of following the principles of natural justice does not arise. The applicants who are already approved probations in their parent department consequent on their repatriation can as well join in their respective parent Departments. As far as their continuation in the Insurance Department is concerned, it cannot be allowed by this Tribunal as it is contrary to the rules. Therefore, having regard to the facts and circumstances involved in this**

**case, the impugned order is sustainable in the eye of law and the O.As are devoid of merits and are accordingly dismissed. V.M.As. are allowed by vacating the Interim orders. No costs”.**

2. As per the Directions of the Hon'ble APAT, dated 27.4.2005, the Director of Insurance and Pay & Accounts Officer was directed to repatriate all the employees irregularly transferred and appointed in A.P.G.L.I. Department immediately vide Memo.No.32379/364/A2/Admn-II/2003, Dated 27.5.2005 and dated:07-06-2005.

3. The Director of Insurance in his letter dated 31.5.2005 has reported that, all the employees have been repatriated vide his proceedings dated 30.5.2005. In his another letter dated 22.9.2005 he has stated that consequent on repatriation of irregularly appointed employees, some of the parent Departments have not admitted the repatriated employees to duty for the reason that the lien of the said employees expired. Therefore, the said employees are approaching the Court of Law. The details of such cases which have come to the notice of Director of Insurance at that time were as under:

1. Sri. Syed Ismail, Junior Accountant (parent department O/o District Collector, Nalgonda).
2. Sri. P. Rajakumar Reddy, (parent department O/o Zilla Parishad, Nalgonda District) working as Auditor in the O/o P.A.O, Hyderabad on the date of repatriation.
3. Smt. C.S.V. Karuna Sree, Junior Accountant (parent department, S.G Assistant of M.P. Elementary School, Grandivemula village of Gadivemula Mandal of Kurnool District).

4. The Director of Insurance has also requested the Government to issue suitable instructions to the concerned authorities to admit the individuals. In respect of Smt C.S.V. Karuna Sree, the Director of School Education, Hyderabad and the District Education Officer, Kurnool was addressed in the reference 5<sup>th</sup> read above, clarifying that the individuals shall retain lien in their parent departments and the lien is not attracted in this case and directed the DSE to admit Smt. C.S.V. Karuna Sree, Jr. Accountant immediately. The DSE was reminded once again through D.O. letters cited in the reference 6<sup>th</sup> read above. The issue was in correspondence for some time. Meanwhile Smt.CSV.Karuna Sree approached the APAT and the APAT in their interim orders dated 13.6.2007 and final orders dated 25.10.2007 allowed the O.A. and directed to permit her to join duty in the Office of the Directorate of Insurance. Government have examined the issue and permitted the Directorate of Insurance to admit Smt. Karuna Sree to duty, since the Director of School Education, DEO Kurnool did not admit her in her parent department inspite of detailed correspondence with them and clarification given to them that the lien of Smt. Karuna Sree cannot be terminated in the parent department in the circumstance of the case. Accordingly she joined duty in the office of the Director of Insurance on 29.07.2008. Thus, she was without employment for a period from 01.06.2005 to 28.07.2008 for which the Director of School Education and the DEO, Kurnool are responsible. Now, Smt. Karuna Sree in her representation dated 10.11.2008 requested to treat the gap period from 1.6.2005 to 28.7.2008 as duty with all consequential benefits like pay and allowances etc. The Director of Insurance in his letter dated 22.11.2008 has requested the Government to issue necessary guidelines in the matter.

5. The matter has been examined with reference to the position of rule. According to FR 9 (13), when a Government servant on return from leave as Compulsory Wait for orders of posting such period of waiting should be treated as "Duty" and during such period he is entitled to pay as determined by the Government in terms of FR 20. According to Executive Instructions No.1-5 under FR 9 (6) (b) (i), all the Compulsory Wait proposals which exceed the period of (30) days, the head of the Department in the case of Non-Gazetted Officer and Secy./ Prl. Secy. /Spl. S.C. of the Department concerned in the case of Gazetted Officer shall calculate the number of days the file relating to posting orders is kept pending for more than 3 days at each level and issue orders of recovery of the cost involved in the Compulsory Wait from all the persons responsible excluding the Members of the Council of Ministers in the same proportion as the delay caused by each of them and the proposals should only then be referred to Finance Department to consider for regularization the period as Compulsory Wait. In the instant case she was not waiting for posting on return from leave. In fact she should not have been admitted back to Insurance Department because all other employees relieved on par with her, have joined in their parent departments. In fact she might have been terminated as she was irregular appointee. But on humanitarian grounds she was re-admitted to duty into APGLI Department as she was a regular employee in Education Department. However, the gap period has to be regularized now as Compulsory Wait, since she was waiting for posting, as she was not admitted by the DEO Kurnool inspite of clear directions/ instructions issued by Government to admit her, as her lien exists in Education Department. The total amount involved has to be recovered from the Director School Education and DEO Kurnool who are responsible for not admitting her to duty disobeying Government orders of repatriation and the clarification given by the Government in the matter.

6. In the above circumstances, Government after careful examination of the issue hereby regularize the gap period from 01.06.2005 to 28.07.2008 in respect of Smt. C.S.V. Karuna Sree subject to recovery of the cost of Compulsory Wait (Pay and Allowances payable to her during that period) from the Director of School Education and DEO Kurnool who are responsible for not admitting her to duty and disobeying Government orders of repatriation and the clarification given by the Government in the matter.

7. The Director of Insurance shall take further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

L.V.SUBRAHMANYAM  
PRINCIPAL SECRETARY TO GOVERNMENT (FP)

To  
Director of Insurance,  
APGLI Department, Hyderabad.  
Copy to,  
Smt.CVS.Karuna Sree through  
Director of Insurance,  
APGLI Department, Hyderabad.  
Education (SE) Department.  
Finance (Exp.Edn) Department.  
Director of School Education, AP, Hyderabad.  
D.E.O, Kurnool District.  
SF/SC

//FORWARDED :: BY ORDER//

SECTION OFFICER